

1502893597

**LEGAL**  
AUG 30 2011

**STATE OF TENNESSEE**  
**Department of Commerce and Insurance**  
**500 James Robertson Parkway**  
**Nashville, TN 37243-1131**  
**PH - 615.532.5260, FX - 615.532.2788**  
**brenda.meade@tn.gov**

AUG 30 11 01 PM 430

August 25, 2011

Midland National Life Insurance Company  
One Midland Plaza  
Sioux Falls, SD 57193  
NAIC # 66044

Certified Mail  
Return Receipt Requested  
7011 0470 0000 5066 4566  
Cashier # 4839

Re: Katie D. Scott & Linda A. Foster V. Midland National Life Insurance Company  
Docket # 13965

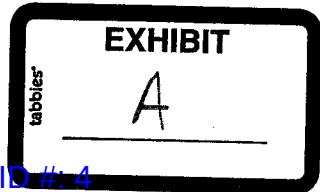
To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served August 18, 2011, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Brenda C. Meade  
Designated Agent  
Service of Process

Enclosures

cc: Circuit Court Clerk  
Maury County  
Courthouse, Rm 202  
Columbia, Tn 38401



SUMMONS

STATE OF TENNESSEE  
MAURY COUNTY

CIRCUIT COURT AT COLUMBIA, TENN.

Number 13965

CIRCUIT COURT  
SUMMONS

AUG 30 '11 CL PM 4:30

KATIE D. SCOTT  
LINDA ATKISSON FOSTER

Plaintiff

VERSUS

MIDLAND NATIONAL LIFE INS. CO.

Defendant

TO MIDLAND NATIONAL LIFE INS. CO, ONE SUMMONS PLAZA

Defendant in the above entitled civil action: SIDUX FALLS, S.D. 5719

You are hereby summoned, and required to serve upon JERRY COLLEY + LARRY SANDS  
plaintiff's attorney whose address is PO BOX 1476 COLUMBIA, TN 38402  
an answer to the COMPLAINT

which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney.

In case of your failure to defend this action by above date, judgement by default can be rendered against you for the relief demanded in the complaint.

Attested to on date issued KATHY KELLEY

Circuit Court Clerk

Issued: AUGUST 11, 2011

By: AK

D.C.

NOTICE

TO THE DEFENDANT (S):

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgement. If a judgement should be against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgement becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

ATTORNEY FOR PLAINTIFF JERRY COLLEY + LARRY SANDS  
PO BOX 1476, COLUMBIA, TN 38402  
ADDRESS

OR  
PLAINTIFF'S ADDRESS

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

KATHY KELLEY

Circuit Court Clerk

Received this summons for service this \_\_\_\_\_ day of \_\_\_\_\_

COPY

IN THE CIRCUIT COURT FOR MAURY COUNTY, TENNESSEE  
AT COLUMBIA

2011 AUG 11 PM 1:20

KATHY KELLEY, CIRCUIT CLERK  
MAURY COUNTY, TN

Rec'd by T. H. 08 90H

KATIE D. SCOTT and  
LINDA ATTKISSON FOSTER,

Plaintiff,

v.

MIDLAND NATIONAL LIFE INSURANCE COMPANY,

Defendant.

No: 13905

**COMPLAINT**

Come the Plaintiffs, Katie D. Scott and Linda Attkisson Foster, and for cause of action state as follows:

1. Katie D. Scott is a resident of Maury County, Tennessee, residing at 3877 Buck Matthews Road, Columbia, Tennessee 38401 and Linda Attkisson Foster is a resident of Maury County, Tennessee, residing at 2454 Valley Creek Road, Culleoka, Tennessee.
2. Defendant, Midland National Life Insurance Company, is a corporation licensed to do business and doing business at One Sammons Plaza, Sioux Falls, SD 57193 and is engaged in the business of selling life insurance. This Defendant does business in the State of Tennessee.
3. The Defendant sold a life insurance policy to George M. Foster insuring the life of George M. Foster who is now deceased. The Plaintiffs are the sole beneficiaries in said policy which is in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00). The policy number is 1502893597. Schedule of Policy Benefits is attached hereto as Exhibit A.
4. On 11/9/10, the Insured died in what the police have determined to be homicide. On that date said insurance policy was in full force and effect.

STATE OF TENNESSEE MAURY COUNTY  
I, the undersigned clerk, do hereby certify that  
this is a true and correct copy of the original  
of this instrument. This 12 day of  
August 2011

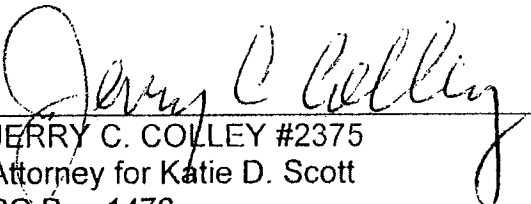
ORIGINAL  
RAISED SEAL

5. After the death of the Insured the Plaintiffs filed a claim for the proceeds of said policy on a form provided by the Defendant. This claim was filed on 11/12/10. The claim was timely filed along with a copy of the Death Certificate confirming the death of George M. Foster, deceased.
6. The death of George M. Foster, deceased, was determined to be a homicide by the Investigating Authorities. The Insured was found shot to death in his automobile. The Defendant has failed and refused to pay said claim even though the Plaintiffs are not responsible for the death of the Insured. The Plaintiff, Katie D. Scott was actually at work at the First Farmers Bank in Columbia, Tennessee and was at her home over fifteen (15) miles away from the scene of the crime during which timeframe Foster must have been killed. The Plaintiff, Linda Attkisson Foster, was not at work but was at her home in Culleoka, Tennessee, during the timeframe in which George Foster must have been killed.

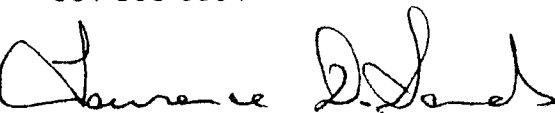
**THEREFORE PLAINTIFF PRAYS** for judgment against the Defendant for damages in the amount of the face amount of the policy which is Two Hundred Fifty Thousand Dollars (\$250,000.00) and for any interest which may have accrued. Plaintiff further prays for any relief to which she may be justly and properly entitled.

**COLLEY & COLLEY**

By:

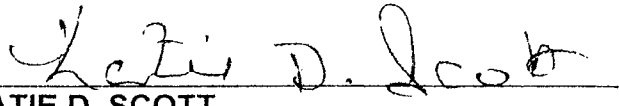
  
 JERRY C. COLLEY #2375  
 Attorney for Katie D. Scott  
 PO Box 1476  
 Columbia TN 38402-1476  
 931-388-8564

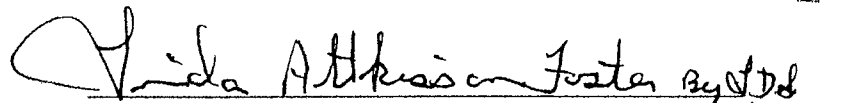
By:

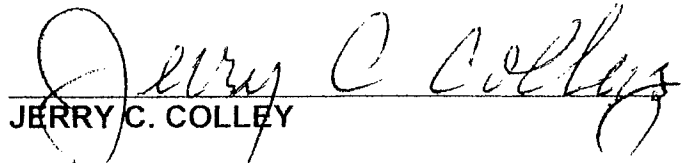
  
 LARRY SANDS #11667  
 Attorney for Linda Attkisson Foster  
 PO Box 1660  
 Columbia TN 38402-1660  
 931-381-1965


SURETY BOND

We are sureties for the costs of this case not to exceed One Thousand Dollars (\$1000.00).

  
KATIE D. SCOTT

  
LINDA ATTKISSON FOSTER *Attorney*

  
JERRY C. COLLEY

  
LARRY SANDS

AUG 30 '11 CL PM 4:30

# SCHEDULE OF POLICY BENEFITS

OWNER: GEORGE M FOSTER POLICY NUMBER: 1502803597  
 INSURED: GEORGE M FOSTER POLICY DATE: 02/10/2010  
 SEX: Male FACE AMOUNT: \$255,000  
 BENEFICIARY: Refer to Application POLICY AGE ON POLICY DATE: 67  
 TOTAL POLICY PREMIUM: \$2,550.50 payable Quarterly \* CONVERSION AVAILABLE TO: 02/10/2018  
 PREMIUM CLASS: Tobacco PREMIUM GUARANTEE PERIOD: 10 POLICY YEARS

## DESCRIPTION OF BASE POLICY BENEFITS

## EXPIRY DATE

ADJUSTABLE PREMIUM LEVEL TERM INSURANCE TO  
 POLICY AGE 95

02/10/2038

\* SUBJECT TO THE CHANGE OF PREMIUM PROVISION, SEE SECTION 3.24 OF THE POLICY. THE TOTAL POLICY PREMIUM ABOVE INCLUDES THE \$ 18.00 POLICY FEE AND PREMIUM AMOUNT FOR ANY ATTACHED RIDERS, AMENDMENTS OR ENDORSEMENTS FOR WHICH THERE IS A CHARGE. AFTER THE PREMIUM GUARANTEE PERIOD, ANNUAL PREMIUMS FOR THE BASE POLICY MAY BE MORE OR LESS THAN THE CURRENT PREMIUMS SHOWN BUT WILL NEVER BE MORE THAN THE MAXIMUM PREMIUMS SHOWN IN THE SCHEDULE OF CURRENT AND MAXIMUM ANNUAL PREMIUMS.

## MODAL PREMIUM

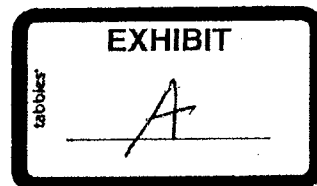
MODES OF PREMIUM PAYMENT ARE SHOWN BELOW. THE AMOUNTS SHOWN BELOW INCLUDE THE PREMIUM AMOUNT FOR ANY ATTACHED RIDERS, AMENDMENTS OR ENDORSEMENTS FOR WHICH THERE IS A CHARGE.

	PER MODE PREMIUM	TOTAL YEARLY PREMIUM	
Annually	9,545.00	( 9,545.00 X 1 )	9,545.00
Semi-annually	4,987.17	( 4,987.17 X 2 )	9,974.34
Quarterly	2,550.50	( 2,550.50 X 4 )	10,202.00
Monthly	835.94	( 835.94 X 12 )	10,031.28

MONTHLY PREMIUM AMOUNTS SHOWN HERE, WHEN APPLIED TO CIVIL SERVICE ALLOTMENT, WILL BE INCREASED BY \$.50 PER MONTH FOR A TOTAL YEARLY INCREASE OF \$6.00.

INQUIRIES REGARDING YOUR POLICY SHOULD BE DIRECTED TO YOUR AGENT, OR, IF HE OR SHE IS NOT AVAILABLE TO OUR EXECUTIVE OFFICE AT THE FOLLOWING ADDRESS:

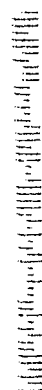
MIDLAND NATIONAL LIFE INSURANCE COMPANY  
 ATTN: POLICYOWNER SERVICE  
 ONE SAMMONS PLAZA  
 SIOUX FALLS, SD 57193  
 TOLLFREE 1-800-923-3223



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37243



7011 0470 0000 5066 4566



SEN

7011 0470 0000 5066 4566 8/25/11  
MIDLAND NATIONAL LIFE INSURANCE COMPA  
ONE MIDLAND PLAZA  
SIOUX FALLS, SD 57193